

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF DELAWARE**

In re:	Chapter 7
AKORN HOLDING COMPANY LLC, et al.,	Case No. 23-10253 (KBO)
Debtors. ¹	(Jointly Administered)
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GEORGE MILLER, Chapter 7 Trustee of the bankruptcy estates of Akorn Holding Company LLC, <i>et al.</i> ,	Adv. Pro. No. 25-50249 (KBO)
Plaintiff,	
-v-	
ETHYPHARM,	
Defendant.	

ETHYPHARM S.A.S.’S MOTION TO DISMISS ADVERSARY COMPLAINT

Pursuant to Federal Rule of Bankruptcy Procedure 7012 and Federal Rules of Civil Procedure 12(b)(5) and (6), Ethypharm S.A.S. (“**Ethypharm**”), hereby moves this Court for an order, in the form attached hereto as **Exhibit A**, dismissing the adversary complaint (the “**Complaint**”) of Plaintiff George Miller, as Chapter 7 in the above-captioned cases (the “**Trustee**”). The grounds for this Motion to Dismiss (this “**Motion**”) are more fully set forth the *Opening Brief in Support of Ethypharm S.A.S.’s Motion to Dismiss Adversary Complaint* filed contemporaneously herewith.

¹ The Debtors in these chapter 7 cases, along with the last four digits of their federal tax identification numbers, and cases numbers are Akorn Holding Company LLC (9190), Case No. 23-10253 (KBO); Akorn Intermediate Company LLC (6123), Case No. 23-10254 (KBO); and Akorn Operating Company LLC (6184), Case No. 23-10255. The Debtors’ headquarters is located at 5605 CenterPoint Court, Gurnee, IL 60031.

LOCAL RULE 7012-1 STATEMENT

Pursuant to Rule 7012(b) of the Federal Rules of Bankruptcy Procedure and Local Rule 7012-1 of the Local Rules for the United States Bankruptcy Court for the District of Delaware, Ethypharm advises the Court that it consents to entry of a final order or judgment by the Court in respect of the dismissal of the Complaint in the above-captioned adversary proceeding.

[Remainder intentionally left blank]

WHEREFORE, Ethypharm requests that the Court enter an order, substantially in the form attached hereto as **Exhibit A**, and grant such other and further relief as is appropriate.

Dated: September 22, 2025
Wilmington, Delaware

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